

Case Summary

On August 31, 2021, Mr. Justin Sherwood filed this complaint via the CCRB website. This case was added to the agency's sensitive case list due to an article about this incident posted to StreetsBlog NYC on October 18, 2021 (**Board Review 13**).

On August 13, 2021, at 9:35 a.m., Police Officer Tiagom Reis called Mr. Sherwood's cell phone to discuss 311 complaints he had filed. Mr. Sherwood asked for PO Reis' name. PO Reis asked, "How is that relevant?" (**Allegation A – Abuse of Authority: Refusal to provide name, substantiated**) and hung up the phone (**Allegation B – Discourtesy: Action, substantiated**). PO Reis did not document responding to Mr. Sherwood's 311 complaint in his memo book (**Allegation C – Other Possible Misconduct Noted**). No arrest or summons resulted from this incident.

An audio recording of this interaction, provided by Mr. Sherwood, is located in IA #6 (**Board Review 01**) and summarized in IA #7 (**Board Review 02**). There is no body worn camera (BWC) footage of this incident. The nature of the incident did not require the use of BWC as per the patrol guide.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Tiagom Reis refused to provide his name to Justin Sherwood.

Allegation (B) Discourtesy: Police Officer Tiagom Reis acted discourteously toward Justin Sherwood.

Mr. Sherwood said he filed approximately 10 311 complaints on the morning of the incident via the 311 app about cars parked on the sidewalk and in bicycle lanes near the Transit District 30 stationhouse (**Board Review 03**). At 9:35 a.m., he received a call from a blocked number. His statement was consistent with an audio recording of the phone call he provided to the CCRB. In the recording, PO Reis, identified via investigation, says he is from the New York City Police Department and that some of the pictures in Mr. Sherwood's complaints are not loading (**Board Review 01**). At 00:17 on the media player timestamp, Mr. Sherwood asks for his name. PO Reis asks, "I'm sorry?" Mr. Sherwood repeats the question. At 00:23, PO Reis asks, "How is that relevant?" The recording ends without further conversation.

Mr. Sherwood provided a screenshot of his cell phone log which documented the call (**Board Review 12**) and his phone bill from the date of the incident (**Board Review 05**) to the CCRB. While the phone number which made the call at 9:35 a.m. was blocked on Mr. Sherwood's cell phone, the number appears on his phone bill as (718) 607-1673. There are no other phone calls listed within two hours of 9:35 a.m. A CLEAR search revealed that this phone number belongs to PO Reis (**Board Review 06**). When asked during his CCRB interview if he was familiar with the phone number 718-607-1673, PO Reis confirmed that it was his phone number (**Board Review 04**).

PO Reis said he was on patrol with his partner, Police Officer Cynita Bates of the 84th Precinct, at the time of the incident (**Board Review 04**). At the time of his CCRB interview, PO Reis did not remember this incident. He remembered responding to a 311 complaint in the vicinity of Transit District 30. He often makes phone calls regarding 311 and 911 jobs to address any issues and help the complainant, and pictures attached to 311 complaints often do not load.

During his interview, PO Reis looked at PO Bates' memo book on his phone and saw that they had responded to a 311 job on the date of the incident which was logged at 9:36 a.m. At 10:04 a.m., he arrived at a hospital for an administrative job. He likely received a call to respond to this administrative job at approximately the same time as he was assigned the 311 complaint. He may

have received the call while responding to the 311 complaint but did not recall. His next 311 job was at 11:00 a.m. at a different address from that at 9:36 a.m.

When presented with the audio recording provided by Mr. Sherwood during his interview, PO Reis said it “sounds like” he was speaking to PO Bates when he asked, “How is that relevant?” When asked if he hung up on Mr. Sherwood, PO Reis said that it was possible that he did. He and PO Bates were assigned to the busiest sector in the precinct and may have had to take a call or call someone else.

NYPD Patrol Guide Procedure 200-02 notes that officers must render their services with courtesy and civility (**Board Review 07**). Procedure 203-09 states that uniformed members of the service (MOS) must courteously and clearly provide their rank, name, shield number, and command to those who request they do so (**Board Review 08**).

Though PO Reis did not recall this incident, the audio recording of the phone call offers no evidence that PO Reis stated his name to Mr. Sherwood. Whether or not PO Reis was speaking to PO Bates when he asked, “How is that relevant?”, he did not state his name in the ensuing four seconds of silence before the end of the call, which ultimately constituted a refusal to provide his name to Mr. Sherwood. He thus violated the NYPD’s policy that MOS provide their name to those who request they do so, and it is recommended that **Allegation A** be closed as **substantiated**.

Given that the call ended shortly after PO Reis asked about the relevancy of his name and that PO Reis testified he may have hung-up on Mr. Sherwood, the investigation determined by a preponderance of the evidence that PO Reis hung up on Mr. Sherwood. In the recording of the call, PO Reis gave no indication that he intended to end the call, which was discourteous. While PO Reis said he may have taken a call, made a call, or been assigned to a new job while on the phone with Mr. Sherwood, none of these factors relieve an officer of his obligation to act courteously toward a civilian. It is thus recommended that **Allegation B** be closed as **substantiated**.

Allegation (C) Other Possible Misconduct Noted: Police Officer Tiagom Reis failed to prepare a memo book entry as required.

PO Reis failed to prepare a memo book entry to document responding to Mr. Sherwood’s 311 complaint as required by Patrol Guide Procedure 212-08 (**Board Review 16**). It is thus recommended that **Allegation C** result in **other possible misconduct noted**.

Civilian and Officer CCRB Histories

- Mr. Sherwood has been party to three CCRB complaints and has been named as a victim in seven allegations (**Board Review 09**):
 - 202106307 involves an allegation of discourtesy – word and abuse of authority – other. To date, this investigation is still open.
 - 202105139 involves an allegation of refusal to provide name and discourtesy – word. To date, this investigation is still open.
 - 202105089 involves an allegation of offensive language, and an allegation of discourtesy – word, and an allegation of discourtesy – action, which were closed as substantiated.
- PO Reis has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.

- As of September 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 10**).
- According to the Office of Court Administration (OCA), Mr. Sherwood has no history of convictions in New York City (**Board Review 11**).

Squad: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date